

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AT&T COMMUNICATIONS OF THE SOUTH)	
CENTRAL STATES, INC.'S PETITION)	
FOR CONFIDENTIAL TREATMENT OF)	CASE NO.
INFORMATION CONTAINED IN ITS)	90-120
KENTUCKY QUARTERLY SURVEILLANCE)	
REPORT)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed December 14, 1989 pursuant to 807 KAR 5:001, Section 7, for confidential protection of AT&T'S Kentucky Quarterly Surveillance Report and its supporting data on the grounds that public disclosure of the information is likely to result in competitive injury, and it appearing to this Commission as follows:

AT&T seeks to protect as confidential its Quarterly Surveillance Report and the data used in conjunction with the report. Contained in the report are AT&T's September Quarterly Kentucky Surveillance Report (Form KPSC-1); analysis of Kentucky intrastate operating results for the third quarter, 1989; monthly report No. 2 - Balance Sheet, and monthly report No. 3 - Income Statements. The information is not known outside of AT&T, is not disseminated within AT&T except to those employees who have a legitimate business need to know and act upon the information, and AT&T seeks to preserve the confidentiality of this information through all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to

cause substantial competitive harm to the party from whom the information was obtained. To satisfy this requirement, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information is likely to give competitors an unfair business advantage.

AT&T maintains that the material sought to be protected contains cost-of-service information which would allow competitors to learn valuable pricing information which is not otherwise available and which could be used in the pricing of competing services to the detriment of AT&T. AT&T also maintains that disclosure of the expense and tax information contained in the report would allow competitors to learn valuable marketing information which is not otherwise available and which could be used in marketing services in competition with AT&T. The information, however, is presented in summary form and does not provide sufficient detail to be of significant competitive value. Therefore, the petition should be denied.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition for confidential protection of AT&T's Kentucky Quarterly Surveillance Report and its supporting data be and it hereby is denied.


2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of five

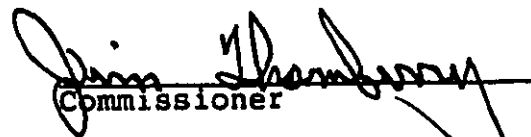
working days from the date of this Order, at the expiration of which time, it shall be placed in the public record.

Done at Frankfort, Kentucky, this 22nd day of May, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director